

## **Exhibit A**



STATE OF ARIZONA

# 2019 ELECTIONS PROCEDURES MANUAL

December 2019

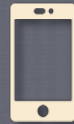
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be permitted in the immediate computer operating area. Other observers may be permitted to observe the operations of these boards and the computer from a designated location, but must not interfere with the conduct of the operations. The Snag Board may enter the computer operating area to resolve any discrepancy.

Except for a County Recorder whose name is not on the ballot and who is carrying out official duties, no public officer serving in an elected position, or any candidate for an elective public office at the election shall be permitted to enter the central counting place unaccompanied by the officer in charge of elections or designee, any area where a central count board has been convened, any area where decisions about ballots are being made, or any other operational area where ballots are being processed or tallied.

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#### **D. Ballot Duplication Board**

When any ballot, including an early ballot, is damaged or defective so that it cannot be read by the tabulation machine, it must be duplicated by a Ballot Duplication Board and the duplicated ballot must be tabulated in place of the damaged ballot. [A.R.S. § 16-621\(A\)](#).

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##### **1. Establishing a Ballot Duplication Board**

Each Ballot Duplication Board shall be comprised of at least two members who are registered voters not of the same political party and who are appointed by the officer in charge of elections. An Inspection Board may serve as a Ballot Duplication Board.

The Ballot Duplication Board duplicates ballots that cannot be read by the tabulation machine but on which the voter has nonetheless clearly indicated their intent to vote on a particular race or ballot measure. This may include crumpled or otherwise damaged ballots, ballots with smudged ink, or ballots which are marked in the wrong color of ink or with a device that cannot be read by the tabulation machine. If voter intent is not clear and Ballot Duplication Board members do not agree on the voter intent for a particular ballot, that ballot should be referred to the Snag Board or officer in charge of elections for resolution prior to duplicating the ballot.

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##### **2. General Duplication Guidelines**

Generally, only UOCAVA ballots, early ballots, and ballots cast at voting locations without a tabulation machine on-site should be duplicated at central counting facilities. Voters who vote at a voting location with a tabulation machine on-site feed their voted ballots directly into the tabulation machine and have the opportunity to correct an unreadable ballot or ballot read as over-voted or blank on the spot.

If a voter selects more than the maximum number of seats for a race, the tabulation machine will read the race as over-voted. Similarly, if a voter voted for a candidate whose name is printed on the ballot by marking the appropriate arrow or oval and also wrote the candidate's name in the write-in area, the tabulation machine will read that race as over-voted. Over-voted ballots shall be sent to the Ballot Duplication Board (and the Snag Board or officer in charge of elections for

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adjudication if needed), even if the voter correctly filled in the arrow or oval for other races on the ballot. If voter intent can be determined, the ballot shall be duplicated and counted.

If a voter has consistently marked their ballot by circling the name of the candidates, or circling yes or no for issues, or placing an x, check mark, punched hole, or other similar mark next to the voter's choices, the tabulation machine will read the ballot as blank or invalid. These blank ballots shall be sent to the Ballot Duplication Board.

If the early ballot board finds ballots that are torn, corrected with white-out or labels, erased, or marked with ink or crayon that cannot be read by the equipment, the ballot must be sent to the Ballot Duplication Board.

Ballots received via fax, email, or secure web portal from UOCAVA voters shall be forwarded to the Ballot Duplication Board for processing.

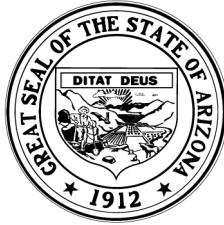
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### **3. Procedures for Duplicating a Ballot**

A damaged or unreadable ballot must be duplicated according to the following procedures:

- Ensure the correct ballot style for the voter's precinct will be used to create the duplicated ballot;
- Mark the proper precinct identification code, if applicable;
- Record an identical serial number on both the original and duplicate ballot (including spoiled duplicates) – this ties the ballots together and creates a paper trail as required by statute, [A.R.S. § 16-621\(A\)](#);
- Conspicuously mark the original ballot as “DUPLICATED;”
- Conspicuously mark the duplicate ballot as “DUPLICATE,” [A.R.S. § 16-621\(A\)](#);
- Using the damaged or unreadable ballot as a guide, mark a blank ballot with votes identical to those on the original ballot;
- Do not duplicate write-in names that are not on the authorized write-in list (“blank” or “unofficial” may be typed in if using a ballot marking device to duplicate and the name/line cannot be left blank). However, mark the arrow or fill in the oval to indicate the vote cast;
- After marking the duplicate ballot, check to make sure it is identical to the original, including over-votes if voter intent cannot be determined and any under-votes;
- If the Ballot Duplication Board makes any errors, mark the duplicate ballot “SPOILED” in a conspicuous manner, and repeat the above steps on a new ballot;
- Place all original ballots in an envelope or container labeled “ballots that have been duplicated.”

It is never permitted to enhance or alter a voter's original ballot markings to render the ballot readable. Instead, the ballot should be duplicated.



**KATIE HOBBS**  
SECRETARY OF STATE  
*State of Arizona*

## **Electronic Adjudication Addendum to the 2019 Elections Procedures Manual**

**Arizona Secretary of State's Office  
February 28, 2020**

Pursuant to A.R.S. § 16-452 and in accordance with Senate Bill 1135, Fifty-fourth Legislature, Second Regular Session, 2020, the Secretary of State's Office, in consultation with County Recorders and Election Officials, developed the procedures in the enclosed Electronic Addendum to the 2019 Elections Procedures Manual. This Electronic Adjudication Addendum was approved by the Attorney General's Office on February 27, 2020 and approved by the Governor's Office on February 28, 2020 and is now in effect.

### **Contact Us:**

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Requests for alternate formats or accommodations can be made by contacting the Secretary of State ADA Coordinator at 601-542-4285. The Office cannot offer legal advice or otherwise offer recommendations on information in this publication. The Office advises consultation with an attorney in such cases.

*The Elections Services Division strives for accuracy in its publications. If the user finds a misprint or error, please contact our office at (602) 542-8683 or [elections@azsos.gov](mailto:elections@azsos.gov).*



MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

February 27, 2020

Honorable Katie Hobbs  
Arizona Secretary of State  
1700 E. Washington Street  
Phoenix, Arizona 85007

Re: Approval of the Electronic Adjudication Addendum to the 2019 Elections  
Procedures Manual

Dear Secretary Hobbs:

On February 3, 2020, emergency measure Senate Bill 1135, Fifty-fourth Legislature, Second Regular Session, 2020, was signed into law by Governor Ducey, which amended A.R.S. §§ 16-602 and 16-621 in order to establish the requirements for utilizing electronic adjudication features of ballot tabulation equipment. In response to those legislative changes, your office prepared and drafted uniform procedures to be added to the recently approved and adopted 2019 Elections Procedures Manual.

Pursuant to A.R.S. § 16-452(B), the Attorney General's Office has reviewed the Electronic Adjudication Addendum to the 2019 Elections Procedures Manual ("Addendum"). Based upon our review, we believe the Addendum complies with Arizona election statutes, and, in particular, the amendments to A.R.S. § 16-621. Accordingly, I approve the Addendum.

Sincerely,

A handwritten signature in blue ink that reads "Mark Brnovich". The signature is stylized with a large "M" and a long, sweeping underline.

Mark Brnovich  
Attorney General  
State of Arizona

cc: Governor Doug Ducey





STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY  
GOVERNOR

EXECUTIVE OFFICE

February 28, 2020

The Honorable Katie Hobbs  
Arizona Secretary of State  
1700 West Washington Street, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

Dear Secretary Hobbs:

On February 3, 2020, I signed into law Senate Bill 1135, Fifty-fourth Legislature, 2nd Regular Session, which amended A.R.S. §§ 16-602 and 16-621 to provide for electronic vote adjudication.

My office has reviewed the Electronic Adjudication Addendum to the 2019 Elections Procedures Manual ("Addendum") that you drafted in response to the recent amendments and submitted for approval on February 26, 2020.

Based upon review and approval submitted on February 27, 2020 by the Attorney General's Office that the Addendum complies with the Arizona election laws, including the amendments to A.R.S. § 16-621, and my office's review, I hereby approve the Addendum in accordance with A.R.S. § 16-452(B).

Sincerely,

Douglas A. Ducey  
Governor  
State of Arizona

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As an alternative to manual duplication of ballots performed by the Ballot Duplication Board, the board of supervisors or officer in charge of elections may appoint Electronic Vote Adjudication Boards and utilize a certified electronic adjudication program to process specific votes requiring adjudication. Any electronic vote adjudication shall be done in compliance with [A.R.S. § 16-621](#). Further, procedures must comply with the requirements in this Section, unless the Secretary of State has granted a jurisdiction written approval to use alternate procedures. A jurisdiction wishing to deviate from the procedures in this Section must make a request in writing no later than 90 days prior to the election for which the exception is requested. To be approved, the deviation must be compliant with [A.R.S. § 16-621](#).

The following types of votes may be adjudicated using electronic adjudication:

- Over-votes: The Electronic Vote Adjudication Board may evaluate over-vote conditions to determine the voter's intent and make corresponding adjustments to the record if the voter's intent is clear. If the voter's choice for a specific race or ballot measure cannot be positively determined, no selection shall be counted for that race or ballot measure. [A.R.S. § 16-610](#); [A.R.S. § 16-611](#).
- Votes on ballots read as blank or unclear: The Electronic Vote Adjudication Board may review ballots read by the tabulation machine as blank or unclear, determine if voter intent is clear on some or all races or ballot measures, and make corresponding adjustments to the record. If the voter's choice for a specific race or ballot measure cannot be positively determined, no selection shall be counted for that race or ballot measure. [A.R.S. § 16-610](#); [A.R.S. § 16-611](#).

Votes that do not meet the above criteria shall not be electronically adjudicated.<sup>1</sup> Ballots that are damaged or defective such that they cannot be read or scanned by the tabulation equipment must be manually duplicated and shall not be electronically adjudicated. [A.R.S. § 16-621\(A\)](#).

### **A. EMS Requirements**

To utilize electronic adjudication, the following minimum system and application requirements must be met:

1. The electronic adjudication application must be part of an election management system (EMS) that has received federal and state certification and is authorized for use in elections in Arizona.
  - The application must be installed with the EMS on a secure, isolated, closed network and shall not be connected to the internet or an external network.

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<sup>1</sup> The Write-In Tally Board may also use a certified electronic adjudication program to electronically tally write-in votes for qualified write-in candidates (in lieu of manual tallying of write-in votes). See 2019 Elections Procedures Manual, Chapter 10, Section II(G)(2).



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2. The application shall provide distinct security roles, with separate usernames and secure passwords for each user or station. These security roles must have different functions. Each election worker shall be given access to only the components of the application necessary to perform their duties. If a secured username and password are used for each station rather than each user, a detailed log of who utilized each station and at what time(s) shall be maintained.
3. Users (and, if applicable, stations) shall have unique usernames and secure passwords. Vendor-supplied generic passwords may not be used.
4. Log-in must be required each time the electronic adjudication application is started. The application and/or tabulation system shall be capable of identifying ballots that contain over-votes or that are read as blank or unclear.
5. The application shall provide comprehensive logging of any changes to the ballot record for audit purposes, as well as validation of all changes through the use of multiple electronic “signatures” before committing any changes to the EMS results.
6. The application shall allow election officials to review, evaluate, and adjudicate votes, based on the voter’s intent, through the application without physical duplication of the ballot and record those changes and any modified totals in the results report.
7. The application shall allow for each transaction to be reviewed and approved by at least two election officials of different political party affiliation.
8. There must be an efficient and reliable means of identifying and locating the physical ballots that have been electronically adjudicated if needed for auditing. For example, the tabulation machine may be programmed to out-stack and/or print an identifying mark on the ballots to be electronically adjudicated.

Even if electronic adjudication is not utilized, the tabulation equipment may be programmed to stop on, sort, or flag write-in votes for races with official write-in candidates. Official write-in candidates may be entered into the EMS after the write-in filing deadline to facilitate this process as long as doing so does not modify the election programming if L&A testing has been completed.

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**B. L&A Testing Requirements**

If electronic adjudication will be utilized for an election, that functionality of the tabulation system will also be tested during the L&A test for that election to ensure proper and secure functioning. [A.R.S. § 16-621\(B\)\(1\)](#); see 2019 Elections Procedures Manual, Chapter 4, Section II. In addition, a paper audit log must be produced, verified, and signed off on by the Electronic Vote Adjudication Board members *before* committing their selections to the EMS for the purpose of updating results. See Section D, below.

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**C. Electronic Vote Adjudication Board Composition**

If the officer in charge of elections elects to use electronic adjudication, they must appoint an Electronic Vote Adjudication Board consisting of two judges, overseen by an inspector. The two

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judges shall be divided as equally as practicable between the two largest political parties as required by [A.R.S. § 16-531\(D\)](#). [A.R.S. § 16-621\(B\)\(2\)](#).

**D. Electronic Vote Adjudication Procedures**

Prior to electronically adjudicating any ballots, the Electronic Vote Adjudication Board must be trained in their duties and application functionality.

1. The electronic adjudication of votes must be performed in a secure location, preferably in the same location as the EMS system, but open to public viewing.
2. The officer in charge of elections shall make a back-up of the election from the EMS prior to the start of electronic adjudication and again after electronic adjudication is complete in order to have a record of the results as initially read by the tabulator and after electronic adjudication.
3. The Electronic Vote Adjudication Board shall use the electronic adjudication application to: (a) review votes on ballots read as over-voted, blank, or unclear; (b) determine voter intent; and (c) electronically attribute votes according to the clear intent of the voter.
  - The general guidelines for determining voter intent in the 2019 Elections Procedures Manual, Chapter 11, Section IX should be followed to the extent they do not conflict with any requirements in this Section.
  - The Electronic Vote Adjudication Board may decide to: (i) approve the ballot with no changes to any races; or (ii) approve the ballot with changes based on the board's adjudication of voter intent.
  - The Electronic Vote Adjudication Board shall only adjudicate votes that are marked by the voter in a manner that prevents the tabulation machine from accurately counting the race as the voter intended. If it is not possible to positively determine the voter's choice for a particular race or ballot measure, the Electronic Vote Adjudication Board shall not designate a choice for that race or ballot measure. [A.R.S. § 16-610](#); [A.R.S. § 16-611](#).
4. Electronic adjudication of voter intent should generally be performed separate and apart from the electronic tallying of official write-in votes and by separate boards, and the results of adjudication of voter intent and tallying of official write-in votes shall be reported and verified on separate paper audit logs.
  - If electronic adjudication of voter intent and tallying of official write-in votes is done together for each ballot requiring such action, the board performing the joint electronic adjudication of voter intent and electronic tallying of official write-in votes shall meet all the requirements applicable to both the Electronic Vote Adjudication Board, as described in this Addendum, and the Electronic Write-In Tally Board, *see* 2019 Elections Procedures Manual, Chapter 10, Section II(G)(2). In this case, the board's actions on the adjudication of voter intent and tallying of official write-in votes may be reported and verified on the same paper audit log.

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5. The EMS and/or electronic adjudication application shall provide a report on the ballots and votes electronically adjudicated by each Electronic Vote Adjudication Board, the selections made by the Electronic Vote Adjudication Board, the names of the members of the Electronic Vote Adjudication Board that processed the votes on the report, and the date of processing.
6. The electronic adjudication process shall include production of a paper audit log of the Electronic Vote Adjudication Board's dispositions as to each ballot/vote electronically adjudicated. The paper audit log must be verified and signed off on by the board members, who shall verify that the paper audit log accurately reflects the board's selections and that those selections are accurately reflected in the electronic adjudication application prior to committing the selections to the EMS for the purpose of updating results. The paper audit log shall be maintained in case resolution of any discrepancy or audit of the electronic adjudication process is needed. [A.R.S. § 16-621\(B\)\(3\)\(b\)](#).
7. To meet the requirement of a board-verified paper audit log, the Electronic Vote Adjudication Board shall either:
  - Maintain a manual, hard-copy log of its selections for each ballot/vote electronically adjudicated by the board; or
  - Print from the application a log of the ballots and votes electronically adjudicated the board and the selections made by the board for each ballot and vote, verify that the printed log accurately reflects the board's selections, and confirm that those selections are accurately reflected in the electronic adjudication application prior to committing the selections to the EMS for the purpose of updating results.
8. The officer in charge of elections shall provide for a method to retain, track, and account for the original ballot and the digital duplicate of the ballot created by the electronic adjudication application that includes a serial number on the digital image, which can be used to track Electronic Vote Adjudication Board actions. [A.R.S. § 16-621\(B\)\(3\)\(a\), \(c\)](#).
9. After adjudication is complete, and the board has verified that the paper audit log of its selections are accurate and verified that those selections are accurately reflected in the application, the results shall be committed to the EMS and the election results will be updated with new totals.